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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,464	10/20/2003	Mark Hirst	200309601-1	4166

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EXAMINER

ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/689,464	Applicant(s) HIRST ET AL.	
	Examiner William J. Royer	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14,16-22,24,25 and 27-40 is/are rejected.
- 7) ☒ Claim(s) 3,5,15,23 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10202003</u> . | 6) <input type="checkbox"/> Other: ____ |

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

On page 1, line 7, the appropriate United States Patent Application Serial Number should be inserted and --- "unassigned" (Attorney Docket No. 200309672-1 --- should be deleted.

On page 1, lines 9-10, the appropriate United States Patent Application Serial Number should be inserted and --- "unassigned" (Attorney Docket No. 200309706-1 --- should be deleted.

On page 1, line 18, change "or a light" to --- or light ---.

On page 1, line 18, change "to a data" to --- to data ---.

On page 1, line 23, change "power" to --- powder ---.

On page 1, line 29, change "as a idler" to --- as an idler ---.

On page 1, line 30, change "un-fused" to ---unfused ---.

On page 2, line 4, change "to the print" to --- to print ---.

On page 2, line 26, change "element" to --- member ---.

On page 4, line 3, after "light" insert --- from ---.

On page 4, lines 9, 11 and 14, after "member" insert --- 34 ---.

On page 4, line 13, change "element" to --- member 34 ---.

On page 4, line 16, after "system" insert --- 32 ---.

On page 5, line 4, after "segments" insert --- 55 ---.

On page 5, line 5, after "segments" insert --- 56 ---.

On page 5, line 22, change "thermoelectric generator 40" to --- the thermoelectric generator 36 ---.

On page 6, lines 2, 3 and 5, after "unit" insert --- 94 ---.

On page 6, line 7, change "and a" to --- and the ---.

On page 6, line 20, change "power" to --- powder ---.

On page 6, line 25, change "drum" to --- photoconductive drum 84 ---.

On page 7, lines 13 and 14, change "100" to --- 110 ---.

On page 7, line 16, change "108" to --- 110 ---.

On page 7, lines 26, 30 and 31, after "LED" insert --- 108 ---.

On page 8, line 1, change "systems" to --- system ---.

Appropriate correction is required.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology, i.e., comprises. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1, 9-11, 21, 23, 24, 30-34 are objected to because of the following informalities:

Claim 1, line 4, change "element" to --- member ---.

Claim 9, line 2, change "blinks" to --- blink ---.

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Claim 10, line 3, change "element" to --- member ---.

Claim 11, line 6, change "element" to --- member ---.

Claim 21, line 6, change "element" to --- member ---.

Claim 23, line 1, change "device" to --- system ---.

Claim 24, line 1, change "device" to --- system ---.

Claim 30, line 1, change "indicating" to --- laser imaging ---.

Claim 30, line 2, change "blinks" to --- blink ---.

Claim 31, line 1, change "device" to --- system ---.

Claim 32, line 1, change "device" to --- system ---.

Claim 33, line 1, change "device" to --- system ---.

Claim 34, line 3, change "the heat" to --- a heat ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling. Referring to Figure 2, Dowling discloses an indicating system to provide a warning system for use with hot surfaces to warn of the hot surface. The indicating system includes: an alternate power supply 202 that could be a Seebeck device (i.e., thermoelectric generator), as disclosed by Dowling, adapted to thermally couple to a heated surface of a device and configured to convert heat from the heated surface of the device to electrical energy; and an LED 4 (i.e., indicating device) powered by the electrical energy configured to provide an indication of when a temperature level of the heated surface is above a temperature threshold. Further, it is disclosed that the light emitted from the system changes in color and/or intensity as the temperature of the heated surface changes. Furthermore, it is disclosed that the light for such a system may be modulated in many ways, including changing intensity, color, temporal patterns, strobing light to steady state effects or the like at column 2, lines 41-55. Besides the above, as shown in Figure 4, it is disclosed that light produced from an LED may be projected onto or through a material 402 (i.e., warning label) with the light projected from the LED creating the effect that the surface has been illuminated. The material may be a translucent material, etched material, semi-translucent material, transparent material, colored material or other material known to one of ordinary skill in the art as disclosed in column 7, lines 36-39. Lastly, it is disclosed that the warning can be achieved through other types of visible indication, aural indication, tactile indication, olfactory indication, or any combination of the foregoing at column 8, lines 26-32.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-14, 16-22, 24, 25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling in view of Yamada et al.

Dowling, as discussed above in the 35 USC 102(e) rejection, discloses all the features claimed by the applicant in claims 11-14, 16-22, 24, 25 and 27-40 except for providing an indicating system in an imaging system that includes a fuser.

Yamada et al disclose an image forming apparatus, such as a laser printer, (i.e., imaging system; laser imaging system) that includes a fixing device 50 (i.e., fuser)

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having a heating roller 58 (i.e., heat emitting member; heated fuser roller) positioned within a housing of the fixing device. Further, it is disclosed that ribs 66 are provided to prevent an operator's hands or fingers from touching a high-temperature surface of the fixing device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the indicating system of Dowling could be used in a fixing device such as that disclosed by Yamada et al because the surfaces of the fixing device become hot due to the use of the heating roller with Dowling teaching that the disclosed indicating system can be used as a warning system for use with hot surfaces to warn operators of the hot surfaces.

Allowable Subject Matter

Claims 3, 5, 15, 23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relevant Prior Art

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoover et al disclose a fuser having a heat shield positioned between a fusing roller and a housing to prevent the housing from becoming too hot to handle.

Fromm et al disclose a high temperature safety system for a fusing subsystem module.

Jeon discloses a device for preventing a fixing unit from overheating.

Iwaki et al discloses a replaceable unit having a function of identifying a new/used state.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "William J. Royer". The signature is fluid and cursive, with the first name "William" being the most prominent part.

William J. Royer
Primary Examiner
Art Unit 2852

wjr
April 29, 2005